

Message Text

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PAGE 01 OTTAWA 03521 152005Z

ACTION EB-08

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INFO AMCONSUL TORONTO
AMCONSUL WINNIPEG

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E.O. 11652: N/A

TAGS: EAIR, CA

SUBJECT: CIVAIR: DISCRIMINATORY TREATMENT OF US AIR TAXIS
OPERATING INTO NORTHWEST ONTARIO

REFS: (A) STATE 175655 (NOTAL); (B) OTTAWA 3396

1. WE DISCUSSED DRAFT MINUTES OF MARCH 7, 1973 MEETING
MENTIONED IN CANADIAN NOTE REF (B) WITH DEPT OF EXTERNAL
AFFAIRS JULY 13. EXTAFF EXPLAINED THAT MINUTES REFERRED TO
ARE THOSE PRODUCED BY CANADIAN DELEGATION FOR ITS RECORDS.

2. EXTAFF OFFICER (GOMBAY) PROVIDED COPY OF CANADIAN
MINUTE RELATING TO ARTICLE 5 OF NONSCHEDULED AGREEMENT
WHICH STATES FOLLOWING:

QUOTE.

5. U.S. PROPOSAL.

EXISTING ATC LIMITATIONS, AS RECENTLY MODIFIED, ON U.S. AIR
TAXI OPERATIONS TO WILDERNESS AREAS OF NORTHWEST ONTARIO
WOULD NOT BE AFFECTED. IF CONSIDERATION IS TO BE GIVEN
TO EXTENDING THESE LIMITATIONS TO OTHER WILDERNESS AREAS,
UNCLASSIFIED

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PAGE 02 OTTAWA 03521 152005Z

THEY WOULD APPLY TO ALL AIRCRAFT (U.S. AND CANADIAN),
OR AT A MINIMUM ALL NON-CANADIAN RESIDENT AIR TRAFFIC, AND
BE GROUNDED ON ECOLOGICAL REASONS, NOT CARRIER COMPETITION
CONSIDERATIONS'.

CANADIAN POSITION.

CANADA NOTES THE SUBJECT MATTER OF THIS ITEM AND SHOULD CONSIDERATION BE GIVEN BY THE CANADIAN AERONAUTICAL AUTHORITIES 'TO EXTENDING LIMITATIONS (AS CURRENTLY APPLICABLE TO NORTH WESTERN ONTARIO) TO OTHER WILDERNESS AREAS', THE POINT OF VIEW EXPRESSED BY THE UNITED STATES IN A5 OF ITS PROPOSAL OF JANUARY 10, 1973 WOULD BE TAKEN INTO ACCOUNT.' UNQUOTE.

HE EXPLAINED THAT ON BASIS OF CANADIAN MINUTE INDICATING US ACCEPTED THEN EXISTING RESTRICTIONS ON NW ONTARIO FLIGHTS, CANADA CONSIDERS IT IS UNDER NO OBLIGATION TO MODIFY THOSE RESTRICTIONS.

3. WE TOLD GOMBAY EMBASSY HAD NO KNOWLEDGE OF US PROPOSAL REPORTED IN CANADIAN MINUTE AND SUGGESTED THAT, IF THE PROPOSAL HAD IN FACT BEEN MADE, IT COULD HAVE BEEN MODIFIED IN LATER DISCUSSIONS. IN ANY EVENT, WE POINTED OUT THAT US VIEW CONTINUES TO BE THAT NW ONTARIO RESTRICTIONS ARE DISCRIMINATORY AND PREVENT US AIR TAXI OPERATORS FROM OBTAINING A FAIR OPPORTUNITY TO COMPETE IN THE MARKET.

4. GOMBAY POINTED OUT THAT, WHILE ATC CONSIDERS IT HAS NO OBLIGATION TO DO SO, IT IS, AS STATED IN CANADIAN NOTE REF (B), PRESENTLY RE-EXAMINING THE ISSUE WITH ONTARIO PROVINCIAL OFFICIALS. A REPORT OF THE FEDERAL/PROVINCIAL DISCUSSIONS IS EXPECTED BY THE END OF JULY. GOMBAY UNDER-
UNCLASSIFIED

UNCLASSIFIED

PAGE 03 OTTAWA 03521 152005Z

TOOK TO INFORM US OF THE RESULTS OF THOSE TALKS IN EARLY AUGUST.

5. COMMENT: DEPT MAY WISH TO REVIEW RECORD OF 1973/74 DISCUSSIONS LEADING UP TO CONCLUSION OF NONSCHEDULED AGREEMENT TO DETERMINE STATUS OF "US PROPOSAL" ON WHICH CANADIANS ARE BASING THEIR POSITION. ENDERS

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